

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ZOLL MEDICAL CORPORATION)
and ZOLL SERVICES LLC,)
Plaintiffs,) Civil Action No.: 1:20-cv-11997-NMG
v.)
BARRACUDA NETWORKS, INC.,)
and SONIAN INC.,)
Defendants.)

)

Motion of Putative Intervenor Fusion, LLC, For Expedited Ruling

Putative Intervenor Fusion, LLC (“Fusion”) moves for an expedited ruling on its Motion to Intervene, filed in this action on January 12, 2021 (Dckt. 13).

As further grounds for this motion, Fusion states as follows.

1. On January 12, 2021, Fusion moved, pursuant to Fed. R. Civ. Proc. 24 (a)(2), (b)(1), for leave to intervene in the above captioned action as a Rule 20 Plaintiff. That Motion was unopposed.
2. To date, this Court has not ruled on Fusion’s Motion.
3. There has been no docket activity in this action since March 31, 2021.
4. Fusion seeks to intervene on the grounds that it has claims against one of the existing parties in this action, that arise out of the same facts and circumstances at issue between the existing parties. *See* Fusion Motion. (Dckt. 13).
5. Until Fusion’s Motion is allowed, it cannot participate in discovery in this action, and the passage of time may prove detrimental to its ability to obtain necessary evidence.
6. The delay in ruling on Fusion’s Motion has been significant.

WHEREFORE, Fusion requests that this Court expedite its ruling on Fusion's Motion to Intervene.

Fusion LLC,
By its counsel,

/s/ *Mark S. Resnick*
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Dated: May 22, 2021

CERTIFICATE OF SERVICE

IT IS CERTIFIED that the foregoing document was filed this 22nd day of May, 2021 through the ECF filing system and will be sent electronically to all counsel of record identified as registered participants on the associated Notice of Electronic Filing.

/s/ *Mark S. Resnick*